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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,135	03/29/2002	Megumi Kamimura	450119-03138	5195
20999	7590	12/01/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			WINTER, JOHN M	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/019,135	<b>Applicant(s)</b> KAMIMURA ET AL.	
	<b>Examiner</b> John M. Winter	<b>Art Unit</b> 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### STATUS

Claims 1-18 have been examined .

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### *Response to Arguments*

The applicant's arguments entered on September 21, 2005 have been fully considered. The examiner submits that the amended claims are rejected in view of the newly discovered reference to Frid-Nielsen et al. (US patent 5,778,346). See following rejection

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 5, 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US Patent 6,601,041) in view of Frid-Nielsen et al. (US patent 5,778,346).

As per claim 1,

Brown et al ('041) discloses a service system for automatically distributing electronic information contents based on a utilization contract previously established between an information provider and a user, the service system comprising:

information distributing means for distributing electronic information contents to a user; (Figure 2 [online application server etc..])

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an information processing apparatus for receiving and processing the electronic information contents distributed from the information distributing means (Column 26, lines 8-36 [receiving requests .. determines sequence of media.. i.e. processing ])

wherein that this information processing apparatus calls

receives and stores the electronic information contents from the information distributing means, and then, reads out and displays the electronic information contents at a display time. (Figure 10 [media received from online media storage is stored in a queue,])

the claimed feature of “ connects the information distributing means at a predetermined connection time” merely automates procedures that have been well established in the area of electronic media, it is the examiners position that that automation of a process does not establish novelty (*In re Venner*, 120 USPQ 192,194)

Brown et al ('041) does not explicitly disclose wherein when two or more display times overlap the information provider adjusts a connection time zone to prevent overlap of two or more connection times. Frid-Nielsen et al. ('346) discloses wherein when two or more display times overlap the information provider adjusts a connection time zone to prevent overlap of two or more connection times (Column 5, lines 9-39). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Brown et al ('041) method with the Frid-Nielsen et al. ('346) method in order to allow advanced scheduling of conflicting events.

Claim 14 is in parallel with claim 1 and is rejected for the same reasons.

As per claim 2,

Brown et al ('041) discloses an electronic information content automatic distribution service system as claimed in claim 1, wherein that said information distributing means comprises: a plurality of electronic information content providing terminal devices for providing said electronic information contents to a user (Column 2, lines 18-28)

Official Notice is taken that “ a terminal connection management device for selecting a terminal device to provide the electronic information contents based on the utilization contract and for connecting to the information processing apparatus” is common and well known in prior art in reference to network management. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select a terminal device based on a utilization contract in order to allow the consumer to pick a reliable service provider. The Examiner notes that this feature is commonly to many ISP providers such as AOL etc.. who provide a customized interface.(i.e. terminal) to access features of the Internet (i.e. content)

Claim 15 is in parallel with claim 2 and is rejected for the same reasons.

As per claim 3,

Brown et al ('041) discloses an electronic information content automatic distribution service system as claimed in claim 1,

wherein that advertisement information is distributed from said information distributing means to a user's information processing apparatus with said electronic information contents.

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(Column 1, lines 49-52)

Claim 16 is in parallel with claim 3 and is rejected for the same reasons.

As per claim 4,

Brown et al ('041) discloses an electronic information content automatic distribution service system as claimed in claim 3,

Wherein that said advertisement information contains a regionally limited advertisement related to habitual area of a user. (Column 3, lines 54-65; column 10 table 3)

Claim 17 is in parallel with claim 4 and is rejected for the same reasons.

As per claim 5,

Brown et al ('041) discloses an electronic information content automatic distribution service system as claimed in claim 1,

Wherein that said information provider distributes electronic information contents sequentially updated to said user. (Column 1, lines 31-47)

Claim 18 is in parallel with claim 5 and is rejected for the same reasons.

As per claim 12,

Brown et al ('041) discloses a recording medium used in the case where arbitrary electronic information contents are automatically distributed from the information provider's information distributing means to the user's information processing apparatus, the recording medium having a control program recorded therein, the program comprising:

a first procedure concerning a utilization contract made in advance between the information provider and the user;(Figure 11 [contract module ]) a second procedure for setting a first time that is a time for downloading electronic information contents from the information distributing means and a second time that is a time for displaying electronic information contents by the information processing apparatus;(Figure 10 [queue generator ]) and a third procedure for calling the information distributing means at the first time to be connected to the user's information processing apparatus, receiving and storing the electronic information contents from the information distributing means, and then, reading out and displaying the electronic information contents at the second time by the information processing apparatus. (Figure 10 [subscriber -400 receives targets ads from online server 410 as determined by priority queue 250])

As per claim 13,

Brown et al ('041) discloses an information processing apparatus as claimed in claim 12.

Official Notice is taken that "registering a user in said information provider; selecting a field of electronic information contents by said user; and inputting a utilization charge payment method according to said electronic information content automatic distribution service" is common and well known in prior art in reference to network commerce. It would have been

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obvious to one having ordinary skill in the art at the time the invention was made to utilize charge payment method from a registered user in order to allow the merchant to make a profit.

Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al. (US Patent 6,601,041) in view of Moore et al. (US Patent Application Publication 2001/0047298)

As per claim 6,

Brown et al ('041) discloses an apparatus for automatically receiving electronic information contents distributed from information distributing means based on a utilization contract previously established between an information provider and a user, the apparatus comprising:

control device for controlling at least input and output of the communication device and display device, a communication device for calling and connecting the information distributing means and for receiving the electronic information contents distributed from the information distributing means;(Column 26, lines 8-36 [receiving requests .. determines sequence of media.. i.e. processing ])

receive and store the electronic information contents from the information distributing means, and then, read out and display the electronic information contents at a second time.

(Figure 10 [media received from online media storage is stored in a queue,])

the claimed feature of "connect the information distributing means at a predetermined first time" merely automates procedures that have been well established in the area of electronic media, it is the examiners position that that automation of a process does not establish novelty (*In re Venner*, 120 USPQ 192,194)

Brown et al ('041) does not explicitly disclose a storage device for storing the electronic information contents received from the communication device; a display device for displaying the electronic information contents read out from the storage device. Moore et al. ('298) discloses a storage device for storing the electronic information contents received from the communication device; a display device for displaying the electronic information contents read out from the storage device. (Figure 2 [elements 275 and 270]) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Brown et al ('041) method with the Moore et al. ('298) method in order to allow persistent storage of data.

Brown et al ('041) does not explicitly disclose wherein when two or more display times overlap the information provider adjusts a connection time zone to prevent overlap of two or more connection times. Frid-Nielsen et al. ('346) discloses wherein when two or more display times overlap the information provider adjusts a connection time zone to prevent overlap of two or more connection times. (Column 5, lines 9-39) . It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Brown et al ('041) method with the Frid-Nielsen et al. ('346) method in order to allow advanced scheduling of conflicting events.

As per claim 7,

Brown et al ('041) discloses an information processing apparatus as claimed in claim 6,

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further comprising operating means operated so as to set a second time for reading out and displaying electronic information contents on said display device. (Figure 10 [media received from online media storage is stored in a queue,])

As per claim 8,

Brown et al ('041) discloses an information processing apparatus as claimed in claim 6. Official Notice is taken that "control device sets a first time for calling and connecting said information distributing means by counting the first time back from said second time" is common and well known in prior art in reference to network management. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a timer in order to assure accurate operation.

As per claim 9,

Brown et al ('041) discloses an information processing apparatus as claimed in claim 6 further comprising a recording medium for operating said control device, said recording medium having recorded therein a control program comprising:

a first procedure concerning a utilization contract made in advance between an information provider and a user; a second procedure for setting a connection time that is a time for downloading electronic information contents from said information distributing means and for setting a second time that is a time for displaying electronic information contents by said information processing apparatus; (Figure 11) and a third procedure for calling said information distributing means to be connected to the user's information processing apparatus at said connection time, and receiving and storing electronic information contents from said information distributing means, and then, reading out and displaying electronic information contents by said information processing apparatus at said display time. (Figure 10)

As per claim 10,

Brown et al ('041) discloses an information processing apparatus as claimed in claim 6,

Brown et al ('041) does not explicitly disclose characterized in that advertisement information is displayed on said display device together with electronic information contents. Moore et al. ('298) discloses wherein that advertisement information is displayed on said display device together with electronic information contents (Figure 2 [elements 275 and 270]) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Brown et al ('041) method with the Moore et al. ('298) method in order to allow ease of consumer use.

As per claim 11,

Brown et al ('041) discloses an information processing apparatus as claimed in claim 10, wherein that said advertisement information contains a regionally limited advertisement related to the habitual area of a user. (Column 3, lines 54-65; column 10 table 3)

### ***Conclusion***

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Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to John Winter whose telephone number is (571) 272-6713. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, James Trammell can be reached at (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

or faxed to:

**(703) 305-7687** [Official communications; including After Final communications labeled "Box AF"]

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany St. Alexandria, VA.

JMW  
November 27, 2005

*John Winter*  
PRIMARY EXAMINER